Sri T. SUBRAMANYA (Minister for Development and Local-Self Government).—I beg to lay :

(*a*) Notification No. DRL 16 RET 61, dated 30th August, 1961 (Amendment to the Mysore Taluk Boards, (President and Vice-President Election) Rules, 1959); as required under Section 246 of the Mysore Village Panchayats and Local Boards Act, 1959.

(*b*) Further information as promissed while replying Starred *Q.* No. 286 by Sri Putte Gowda on 22nd March 1961.

Sri B. VAIKUNTA BALIGA (Minister for Law and Labour).—I beg to lay on the Table demands for grants to cover expenditure incurred in excess of voted grants and charged appropriations during 1956–57, (1-11-56 to 31-3-57) and 1957-58.

Sri MALI MARIAPPA (Minister for Co-operation).—I beg to lay: Notification No. A and F 16 CAD 60, dated 27th September 1961 (Amendments to the Mysore Co-operative Societies Rules, 1960), as required under section 130 of the Mysore Co-operative Societies Act, 1960.

THE MYSORE HIGH COURT BILL 1961.—

Motion to consider

THE AMENDMENT MADE BY THE LEGISLATIVE COUNCIL.

Sri B. VAIKUNTA BALIGA (Minister for Law and Labour).—beg to move :

"That the following amendments made by the Legislature Council to the Bill as passed by the Legislative Assembly be taken into consideration :

Clause 9

(1) "Item (x) shall be deleted and items (xi) and (xii) renumbered suitably."

Clause 10

(2) "After item (iii), the following item shall be added :—

(iv) Exercise of powers under clause (i) of Article 226 Article 227 and Article 228 of the Constitution of India."

(3) "Item (iv) shall be renumbered as item (v)."

Mr. SPEAKER.—Motion moved :

"That the following amendments made by the Legislative Council to the Bill as passed by the Legislative Assembly be taken into consideration :

Clause 9

"Item (x) shall be deleted and items (xi) and (xii) renumbered suitably."

Clause 10

"After item (iii), the following item shall de added :—

"(iv) Exercise of powers under clause (1) of Article 226, Article 227 and Article 228 of the Constitution of India."

"Item (iv) shall be re-numbered as item (v)"

Sri M. C. NARASIMHAN (Kolar Gold Fields).—Sir, I want to know some information from you. Three days notice is required before taking up the Bill for consideration by this House. I do not know whether Rule 99 and 100 are observed in this matter. I had some amendments also.

Mr. SPEAKER.—There is the discretion of the Speaker. When the whole thing has come before the House, it means all the procedure has been observed.

†Sri B. VAIKUNTA BALIGA.—Sir, this is rather a bit of unusual situation and therefore, it becomes necessary for me to make my submission to you so that the position is made very clear. Mr. Narasimhan raised a preliminary objection and also referred to the amendments. He has suggested. I am not aware of the amendments. The Bill was considered here and deliberated upon and commented and various arguments were made and ultimately, the House resolved and passed the Bill. Then, it was taken to the Council where it was considered in great detail. The scope for discussion, when the Bill comes back from the Council after amendment, is limited very much and it does not throw open the entire provisons of the Bill for discussion. I do not think it is necessary to extend these ideas further but I only say that the consideration is not with regard to the things which have been concurred in this House as well as by the Council but only extend to the amendments that have been made by the Council. Sir, in other words, whatever that has been once passed by this House is complete and whatever that has been concurred by the Council is equally binding upon that House and this House. What now comes for consideration is the limited scope of the two amendments that have been made by the Council. It may be mentioned that it could have been accepted by Government in this House itself. Sir, in principle of jurisprudence, there is scope for honest divergent opinions. The question as to whether the litigation could be heard by a single judge or a division was considered by this House and it was thought by this House that it might be heard by a single judge. When the Bill went before the other House there was a different opinion. With regard to great jurists whose mind is applied for this topic, there is divergence of opinion. There is difference of opinion even among the High Court Judges. If you pursue the report of the Law Commission, it could be seen that divergent views are held. The problem is so vexed that it is not possible to have aunanimous opinion. The position is, this

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House should concur with the amendments made by the Council and the Council has made this request, in accordance with the parliamentary procedure. I have no reason to doubt that the House will not agree to this request.

9-30 A. M.

Sir, I shall only mention that the body having deliberated upon this question, I feel Sir, that I would be doing my duty in soliciting the concurrence of this House to these two small matters.

† Sri J. B. MALLARADHYA (Nanjangud).—Sir, I admire the very complecent mood in which the distinguished Minister for Law has piloted this amending Bill on the floor of this House.

Sir, during the last 4½ years that I have been a Member of this Hon'ble House. I have not seen a prallel to this kind of a tragedy in the history of this Legislature. I looked at the way in which my friend the Hon'ble Law Minister has placed the Bill before the House. I agree with him that in matters of this kind, there is room for honest difference of opinion–honest divergence of opinion.

Mr. SPEAKER.—Is it a mild tragedy or a serious tragedy ?

Sri J. B. MALLARADHYA.—The degree of the tragedy depends upon the degree of conviction that the Hon'ble Minister will bring to bear on the subject. But the tragedy is there all the time, because this is only a symbol of the type of tragedy that awaits us even in the future if this state of affairs continue.

What happend in the Legislative Council, my Hon'ble friend knows better than I do. My information is only through the press. The Hon'ble Law Minister will kindly remember that I was in favour of this matter being decided by a bench of judes—consideration of writ petitions under article 226 of the Constitution. Sir, the tragedy of the situation was that the Whip of the Party and the Leader of the Congress Party moved an amendment. At the proper time, I drew the attention of the Hon'ble Minister and asked whether as one of the Ministers, having regard to the fact that the amendment was moved by the Whip of the Legislature Party, he is willing to accept the amendment in accordance with the usuall democratic conventions. The presumption is, when the Whip of the Party moves—ordinarily the Whip does not interefer, except pulling strings behind. Here is a notable instance of his coming to the arena and moving the amendment himself. And as I said, at the appropriate time, I drew your attention to it and asked you whether the Hon'ble Minister for Law would accept the amendment. He said 'I leave it to the House'. That was a very unusually procedure. What did the Legislative Council do ? I consider that in the Legislative Council, better sense prevailed in the Upper

House. Our arguments were up-held and it appealed to them. Pardon me Sir, the argument made on this side of the House here appealed to the Legislative Council Members.

Sri B. VAIKUNTA BALIGA.—Sri, all that I wish to submit is : if what he then said has found acceptance in the L.C. and it has therefore come back, he ought to be happy !

Sri J. B. MALLARADHYA.—It is not so simple as all that Sir. My Hon'ble friend is a distinguished Member of the legal profession and he can always place facts in an acceptable manner.

Sri B. VAIKUNTA BALIGA.—You are also doing it !

Sri J. B. MALLARADHYA.—But I have not taken to that profession. I do not choose the legal profession. The Hon'ble Law Minister must remember that the Government accepted the amendment as suggested by the Legislative Council there. Well, what prevented the Hon'ble Law Minister who was in-charge of the Bill to accept the suggestion made in regard to the Bench of Judges on the floor of this House? Where was the necessity for this tragedy being enacted, I am asking you? There was no answer. Sir, the Law Minister was also in-charge of the Bill here also, when I suggested to him that he should persuade his Party to withdraw the amendment or accept the amendment, he said that he would be willing to neither; he would be willing to guided by the opinion of the House. The situation today is having regard to the decision taken by the Legislative Council, it only proves one thing, that the Opposition here is not merely to criticise, not merely obstruct the business of this House, but to make a solid and worthy contribution to the business of the House. It has been a tragedy in this sense that whenever any suggestion came from the Opposition in this House, on technical grounds, on grounds of false prestige, the Ruling Party which has always a majority behind it, by and large have refused to be guided by that kind of a suggestion. That is the tragedy. Did it not occur to the Law Minister then? Did it not occur to him that there was need for a bench of judges to consider writ petitions? Why did he not influence the Whip of the Party to withdraw that amendment? Is it not a matter in which the party discusses this matter before coming to the floor of this House ?

Sir, I should like the Hon'ble Law Minister to realise that on a previous occasion, he displayed an attitude of histility to the suggestion that came from the Opposition. He was not prepared to be guided by any suggestion that was made by the Opposition. As I said, it is out of a sense of false prestige. When the Bill was considered in this House, in his very presence the amendment moved by the Whip of the Party was carried by a large majority. Who is responsible for it? Is it not the Ruling Party? We have witnessed the sad spectable of even unreasonable suggestions made by the Ruling Party being carried out in the presence of a brute majority. I ask you a very simple question. Why was this state of affairs allowed? Sir, in a situation like that, I want to be very

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careful in making this statement—constitutional propriety demanded that the Hon'ble Minister should resign. I am making a very responsible statement. I am saying that constitutional propriety demanded that the Minister should resign because it is very clear that the Hon'ble Minister could not carry his own party-men with him; and the amendment was moved by the Whip of the Party. Sir, I am quite aware that there is no constitutional obligation for the Law Minister to resign in a situation like that. I am aware of that. There is no constitutional obligation. I am also sure that in law the resignation of a minister in such circumstances does not necessary follow as a consequence. But Sir, as a Ruling Party which commands a majority in the House, it is their responsibility to see that healthy democratic conventions are set up on the floor of the House so that they may serve as a model for similar administrations in the Republic of India. But what did my friend the Law Minister and the present Cabinet do? They did not think it was a serious matter at all. It was unfortunate that the next day after the passing of the Bill, I wanted to raise that issue on the floor of the House and draw the attention of the House to the constitutional impropriety involved, but unfortunately I was taken away for a meeting of the University Syndicate; and after coming back, it was too late I am glad that an opportunity has again presented itself in the shape of amended Bill which has come up before this House for consideration.

Sir, my friend the Law Minister as referred to the recommendations of the High Court and the Law Commission in the statement of objects and reasons. Sir, did not the High Court suggest that there should be a bench of two Judges for the consideration of the writ petitions. In making this observations, he said, there is difference of opinion even among the High Court Judges. I do not if the Government has at its disposal to-day, any recommendation from the High Court which is conflicting in nature. I am quite certain that the High Court has recommended that they need a bench of judges to sit over writ petitions I would like to invite the attention of the Hon'ble Law Minister to be recommendations of the Law Commission. I would invite the attention of the Minister to the recommendations of the Law Commission. They have said that "in view of the conflicting opinions expressed it is difficult for us to make a definite recommendation on the subject. What is to be aimed at is very expeditious disposal of these applications within the time indicated by us, namely, 6 months. It may be that conditions in different States differ and that what one High Court may have found satisfactory may not work equally well in other High Courts. We therefore leave it to each High Court to devise its own procedure in this matter." When the matter was under consideration in this House, was there any indication that the Mysore High Court wanted to depart from the existing practice and increase the powers of the single judge and take away the jurisdiction of a bench of Judges in the consideration of writ petitions. That is the

point which should be made clear. Why is the Law Minister saying at this stage that there is difference of opinion among the Judges of the High Court? Is it so in the Mysore High Court? So far as Madras is concerned the position is very different. I am sure the Law Minister would have brought to the notice of the Council the procedure obtaining in other High Courts. We are not on this occasion trying to depart from the position that we took up. Even today I am in a position to say emphatically that it is necessary that there should be a Bench of Judges for considering writ petitions under Art. 226 because it will eliminate delays if even at the admission stage fullest consideration is given to every writ petition. If it is considered at that stage by a bench of Judges it will eliminate the possibility of further reference in appeal. I might invite the recommendation of the Law Commission in this connection. "The advantage of a Bench dealing with such matters initially is that if admission is refused no question arises of letters patent appeal being filed against the order of refusal." The practice of admission being heard by a single Judge and the case being referred to a Bench on the appellate side is prevailing in Bombay where we are told that a large number of applications are rejected at this stage. We should have thought that a multiplicity of proceedings could be avoided if initially a Bench dealt with this matter. In Madras the practice is that a single Judge hears the admission and if it is admitted thereafter there is a hearing also by a single Judge. So far as the experience of the Mysore High Court is concerned, it is confirmed by a majority of the Judges that the existing practice might continue and there is no point in the Law Minister taking shelter under the plea that there is scope for difference of opinion as to whether there should be a single Judge or a Bench of Judges. But what distresses me most is that the Law Minister had to face a reverse within his own party. What a fall Congressmen had in general in Mysore State. Did this Ministry profit by this experienee? The Law Minister does not even say Yes or No. That is not the attitude he should adopt on behalf of the ruling party. This only shows the kind of solidarity that they have in their party. I am not bothered about it, but does it conduce to the passing of good legislative business on the floor of this House? It is a very extraordinary situation where the Assembly deliberated on a certain point and came to a certain decision and the ruling party gave a final verdict so far as the particular viewpoint was concerned. The ruling party has a majority in the Council also and so that stand should have been maintained there also. But what happened in between the passing of this Bill here and the passing of the Bill there? Why did not the Law Minister influence the Council not to disabuse the Assembly? These are matters which a common man cannot reconcile himself to. This raises fundamental issues regarding the functioning of democracy. What are we going to leave to our successors? What is it that our successors can get guidance from us? Is it this kind of defaming and creating difficult situations for a Minister in his own party, the Minister being unable to control the whip and the party trying to set up the

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Minister against the whip and the party itself being pitched against the Minister secretly?

Sri B. VAIKUNTA BALIGA.—We never did anything secretly.

Sri J. B. MALLARADHYA.—I am reminded of a saying in Kannada. We on this side are very firm in our view and it is unnecessary for me to refer to Article 226 of the Constitution which guarantees to the citizen the securing of speedy remedy in important matters. In a welfare State there are many executive actions which are directly calculated to interfere very seriously with the life of the citizen and in such cases this is the one remedy open to him to secure speedy justice at minimum cost. In a matter of this kind if two judges sit in a Bench and take decisions it will reduce the delay and avoid taking the case on appeal. I have got the highest respect for individual judges of the High Court. The Mysore High Court has latterly come up for great admiration for quick disposal of cases. By asking for trial by a Bench of Judges I am not trying to minimise the capacity of single judges, but in the interests of justice it would be better if such cases are heard by a Bench of two Judges. I think the Council in its infinite wisdom has agreed with the Opposition view which was put forward here. Having regard to this I have nothing to say but to support the amendment of the Council. I would only like to have an assurance from the Law Minister that he would not again stage a comeback in similar situations in respect of other Bills.

†ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸ್ವಾಮೀ, ಅಗಾಧವಾಗಿ ಇರತಕ್ಕಂತಹ ಈ ಕಾಂಗ್ರೇಸ್ಸು ಪಕ್ಷದ ತಿಳಿಗೇಡಿತನದ ವಿಚಿತ್ರಪ್ರಸಂಗ ಈ ಸಭೆಯಲ್ಲಿ ಇಪ್ಪೊತ್ತಿನ ದಿವಸ ಉಂಟಾಗಿರತಕ್ಕದ್ದು ಬಹಳ ವಿಷಾದವಾದುದು ಎಂದು ನಾನು ಹೇಳಬೇಕಾಗಿದೆ. ಈ ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆಯಾದ ಮೇಲೆ ಉದ್ಭವವಾದಂತಹ ಸಂತ್ಯಾಂಶಗಳಿಗೆ ಗಮನ ಕೊಡದೇ ಇರತಕ್ಕ ಈ ಸರ್ಕಾರ ಯಾವ ದೂರದರ್ಶಿತ್ವದಿಂದ ಮತ್ತು ಹೇಗೆ ಆಕಾಶ ಕಳಚಿಬಿತ್ತು ಎಂದು ಮೇಲುಮನೆಯಲ್ಲಿ ಹೇಳಿದರು? ಇದನ್ನು ಸರಿಪಡಿಸಬೇಕೆಂದು ಮತ್ತು ಇದಕ್ಕೆ ನಮ್ಮ ಬೆಂಬಲ ಕೊಡಬೇಕೆಂದು ಹೇಳಿ ನಮ್ಮ ಕಾನೂನು ಮಂತ್ರಿಗಳು ಅವರಿಗಿರತಕ್ಕ ವಿದ್ಯೆ, ಅವರಿಗಿರತಕ್ಕ ಅನುಭವ ಮತ್ತು ಅವರಿಗಾಗಿರತಕ್ಕ ವಯಸ್ಸಿಗೆ ಅಪಮಾನ ಮಾಡಬೇಕು ಎಂದು ಅವರ ತಿಳಿಗೇಡಿಗಳಾದ ಪಾರ್ಟಿಯವರ ವಾಪ್ (whip) ಎನ್ನುವವರು ಒಂದು ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ಮಾಡಿ ಇಲ್ಲಿ ತಂದು ಇದನ್ನು ಒಪ್ಪಲೇ ಬೇಕು ಈಗ ಈ ಸಭೆಯಲ್ಲಿ ತಂದಿದ್ದಾರೆ. ಹೀಗೆ ತಂದಿರುವ ಈ ಮಂತ್ರಿಮಂಡಲಕ್ಕೆ ಇದಕ್ಕಿಂತ ಹೆಚ್ಚಿನ Defea , ಇದಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಅಪಮಾನ ಬೇರೆಯಾವುದೂ ಇಲ್ಲ. ಇವರಿಗೆ ನಿಜವಾಗಿ ಮಾನ ಮರ್ಯಾದೆಗಳಿದ್ದರೆ, ನಮ್ಮ ಸರ್ಕಾರಕ್ಕೆ ಕಾನೂನು ಮಾಡುವ ಇಚ್ಛೆ ಇಲ್ಲ. ಇದಕ್ಕೋಸ್ಕರ ನಮ್ಮ ಪಾರ್ಟಿಯಲ್ಲಿ ನಂಬಿಕೆ ಇಲ್ಲ ಎಂದು ಹೇಳಿದರೆ ನಾವು ಒಪ್ಪುತ್ತಿದ್ದೆವು. ಈ ಹಿಂದೆ ಇದನ್ನು ಒಪ್ಪುವುದಿಲ್ಲ ಎಂದು ನಾವು ಹೇಳಿದಾಗ ನಮ್ಮ ಪಾರ್ಟಿಯ ವಿಪ್ (whip) ಹೇಳಿದ್ದಾರೆ ಎಂದು ಇದನ್ನು ಒಪ್ಪಲೇ ಬೇಕು ಎಂದು ಹೇಗೆ ಒಂದು ಅಹಂಕಾರ ಪ್ರಭಾವದಿಂದ ಹೇಳಿದರು? ಈ ದೇಶದಲ್ಲಿ ಪ್ರಜಾಪ್ರಭುತ್ವ ಕೆಲಸ ಮಾಡುತ್ತಿದೆ ಮತ್ತು ಪಾರ್ಲಮೆಂಟ್ ಡೆಮಾಕ್ರಸಿ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಯಪ್ರದವಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದೆ ಎಂದು ಅಪ್ರಜ್ಞೆ ಕೊಡಿಸಿದಂತಹ ಈ ಕಾನೂನು ಮಂತ್ರಿಗಳ ಮಾತಿಗೆ ಬೆಲೆ ಇದೆಯೇ ಎನ್ನುವುದು ಲೋಕಸಾಕ್ಷಿಯಾಗಿ ಈ ಸರ್ಕಾರ ನಡೆಸತಕ್ಕ

ಪಾರ್ಟಿಯವರೇ ಹೇಳಬೇಕಾಗಿದೆ. ಈ ಸಭೆಯಲ್ಲಿ ಇಬ್ಬರು ಜಡ್ಜಿಗಳು ಇರಬೇಕು ಎಂದು ಹೇಳುವುದನ್ನು ಎಲ್ಲರೂ ಒಪ್ಪಬೇಕು ಎಂದು ಹೇಳಿದಾಗ ಆಗ ಒಪ್ಪುವುದಕ್ಕಾಗುವುದಿಲ್ಲ ಎಂದು ತಮ್ಮ ಪಾರ್ಟಿಯ ಪ್ರತಿಷ್ಠೆಗೋಸ್ಕರ ಮತ್ತು ತಮ್ಮ ಪಾರ್ಟಿಯ ಮಾನ ಮರ್ಯಾದೆಯನ್ನು ಉಳಿಸುವುದಕ್ಕೋಸ್ಕರ ತಮ್ಮ ಪಾರ್ಟಿಯ ಮೇಲೆ ರಾಜ್ಯಭಾರ ಮಾಡುತ್ತಿರುವ ಒಬ್ಬ ಮನುಷ್ಯರನ್ನು ಅಪಮಾನಮಾಡುವಂತಹ ಈ ವಿಪ್ ಎಂದು ಹೇಳುವವರ ಮೇಲೆ ಸರ್ಕಾರ ಯಾವ ಕಾರ್ಯಕ್ರಮ ತೆಗೆದುಕೊಂಡಿದೆ?

Sri B. VAIKUNTA BALIGA —Is the Hon'ble Member supporting the amendment or not?

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಿಮಗೆ ಆಗಿರತಕ್ಕ ವಿಚಿತ್ರ ಪರಿಸ್ಥಿತಿಯನ್ನು ಕಂಡು ಆಗಿರತಕ್ಕ ಅವಮಾನವನ್ನು ಸರಿಪಡಿಸುವುದಕ್ಕಾಗುತ್ತಿರಲಿಲ್ಲವೆ? ಎಂದು ಹೇಳುತ್ತಿದ್ದೇನೆ.

Sri B. VAIKUNTA BALIGA.—Don't shed Crocodile tears.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇದನ್ನು 'Crocodile tears' ಎಂದು ಹೇಳಿಕೊಂಡು ನಾನು ಯಾರಲ್ಲಿಯೂ ಹೋಗಿ ಟಿಕೆಟ್ಟನ್ನು ಕೇಳಬೇಕಾಗಿಲ್ಲ. ಈ ಮಂತ್ರಿಮಂಡಲದಲ್ಲಿ ನನಗೆ ಮಂತ್ರಿಗಳಾಗಿ ಅಥವಾ ಡೆಪ್ಯುಟಿ ಮಂತ್ರಿಗಳಾಗಿರಬೇಕು ಎನ್ನುವ ಇಚ್ಛೆಯಿಂದ ಹೋಗಿ ಟಿಕೆಟ್ಟನ್ನು ಕೇಳಬೇಕಾಗಿಲ್ಲ ಅಲ್ಲದೆ ಯಾವ ಕಮಿಟಿಯ ಮೆಂಬರು ಆಗಬೇಕಾಗಿಲ್ಲ. ಆದರೆ ನಾನು ಪ್ಯೆಯ್ಯುಕ್ತಿಕವಾಗಿ ನಿಮಲ್ಲಿ ಅಡಗಿರುವ ಅಗಾಧವಾದ ನಂಬಿಕೆ ಮತ್ತು ಗಾರವವುಳ್ಳಂತಹ ತಮ್ಮ ಸ್ಥಾನಕ್ಕೆ ಅಪಮಾನವಾಯಿತಲ್ಲ ಎಂದು ಈ ಸಭೆಯಲ್ಲಿ ಹೇಳಬೇಕಾಗಿದೆ. ಈ ಅಪಮಾನವನ್ನು ಸಹಿಸಿಕೊಂಡು ನಮ್ಮ ಶ್ರೀಮಾನ್ ಬಾಳಿಗಾರವರು ಹೇಗೆ ಹತ್ತೊಂದು ತಿಂಗಳಿನಿಂದ ಈ ಮಂತ್ರಿಮಂಡಲದಲ್ಲಿ ಇದ್ದಾರೋ ನನಗೆ ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ.

Sri B. VAIKUNTA BALIGA.—He is converting this in to election platform. I cannot understand his asking me to resign from this party.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಪಾರ್ಟಿಯನ್ನು ರಿಸೈನುಮಾಡಬೇಡಿ. ತಾವಿರುವ ಸ್ಥಾನಕ್ಕೆ ಅಪಮಾನವಾಯಿತು ಎಂದು ರಾಜೀನಾಮೆ ಕೊಡಿ. ತಾವು ಇರತಕ್ಕ ಪಕ್ಷ ಬಹಳ ದೊಡ್ಡದು. ತಾವು ಪಡೆದಿರತಕ್ಕ ಅನುಭವ ಅಂತಹಕಾಂಗ್ರೆಸ್ಸಿನ ಸಂಸ್ಥೆಗೆ ಗಾಂಧಿಯ ಅನುಯಾಯಿಗಳಾಗಿರುವ ತಮ್ಮ ಕಾಂಗ್ರೆಸಿನ ಪಕ್ಷಕ್ಕೆ ರಾಜೀನಾಮೆ ಕೊಡಬೇಕು ಎಂದು ಹೇಳುವ ಗೋಜಿಗೆ ಹೋಗುವವನು ನಾನಲ್ಲ. ತಮ್ಮಲ್ಲಿರುವ ಕಾನೂನಿನ ಅನುಭವವನ್ನು ಕಂಡುಕೊಂಡಿದ್ದೇನೆ. ತಾವು ಉನ್ನತ ನ್ಯಾಯಸ್ಥಾನದಲ್ಲಿ ಆರ್ಗ್ಯುಮೆಂಟ್ ಮಾಡಿರುವುದನ್ನು ಕೇಳಿದ್ದೇನೆ. ತಾವು ಎಂತಹ ಕ್ರಿಟಿಕರಂಸಿಚುಯೇಷನ್ನಿನಲ್ಲೂ ತಮ್ಮ ಧೀಮಂತಿಕೆಯನ್ನು ತೋರಿಸುತ್ತಿದ್ದಂತವರು ಈ ಸಭೆಯಲ್ಲಿ ಈ ರೀತಿಯಾದ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ತರುವಾಗ ಏಕೆ ತಮ್ಮ ಧೀಮಂತಿಕೆಯನ್ನು ಉಳಿಸುವುದಕ್ಕೆ ಆಗಲಿಲ್ಲ ಎಂದು ನಾನು ಕೇಳುತ್ತಿದ್ದೇನೆ. ಮತ್ತು ಇದಕ್ಕಾಗಿ ನಾನು ಬಹಳ ವ್ಯಥೆ ಪಡಬೇಕಾಗಿದೆ. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ಪ್ರಜೆಗಳಪಾತಿಗೆ ಬೆಲೆಕೊಡಬೇಕು ಎಂದು ತಾವು ಹೇಳುತ್ತಿರಲ್ಲವೇ? ಹಾಗೆ ತಿಳಿದು ತಿಳಿದೂ ಈ ರೀತಿ ತಪ್ಪುಮಾಡಲಕ್ಕೆ ಏಕೆ ಪ್ರಾರಂಭ ಮಾಡಿದಿರಿ? ತಮ್ಮ ಪಾರ್ಟಿಯ ವಿಪ್ ಆಗಿರುವ ರು ಮಾಡಿದ್ದು ಎಂದು ಹೇಳುತ್ತ ಈ ಸಭೆಯ ಸದಸ್ಯರಿಗೆಲ್ಲರಿಗೂ ಈ ರೀತಿ ತಂದು ಅವಮಾನ ಮಾಡಬೇಕಾಗಿಲ್ಲ. ಈ ಸಭೆಯ ಮಾನ ಮರ್ಯಾದೆಗಳನ್ನು ಕಾಪಾಡಿಕೊಂಡು ಬರುತ್ತಿದ್ದಂತಹ ಈ ಸಭೆಗೆ ಅವಮಾನ ಮಾಡುವ ಕಾಲ ಬಂತಲ್ಲಾ ಎಂದು ವ್ಯಥೆಯಿಂದ ಹೇಳಬೇಕಾಗಿದೆ. ಈ ಬಿಲ್ಲನ್ನು ತಾವು ಮೊದಲು ತಂದಾಗ ಸತ್ಯ ಯಾವುದು ಎನ್ನುವುದನ್ನು ನೋಡಿ ಸರಿಯಾಗಿ ಮಾಡಬೇಕಾಗಿತ್ತು. ಇವೇನೂ ಅಂತಹ ವಿಚಿತ್ರ ಪ್ರಶ್ನೆಯಾಗಿರಲಿಲ್ಲ. ಆಗಲೇ ಇದನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕು ಎಂದು ಹೇಳಿದ್ದರೆ ನಾನು ಒಪ್ಪುತ್ತಿದ್ದೆ. ಇದು ಒಂದು ಸಣ್ಣ ವಿಷಯ. ಒಬ್ಬರು ಜಡ್ಜ್‌ಗಳು ಇರುವುದಕ್ಕೆ ಬದಲಾಗಿ ಇಬ್ಬರು ಇರಬೇಕು ಎಂದು

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಹೇಳಿದುದನ್ನು ಕಿತ್ತು ಹಾಕಬೇಕು ಎಂದು ತಮ್ಮ ಪಕ್ಷದ ಎಪ್‌ಗಳು ಹೇಳಿದರು ಎನ್ನುವುದು ಅಪರಾಪರ ವನ್ತುವಾಗಿತ್ತೇನು! ಅವರು ತಪ್ಪು ಮಾಡಿದರೆ ಅದನ್ನು ಸರಿಮಾಡಿ ತರಬೇಕು ಎನ್ನುವ ಕನನನ್ನು ಯಾವಾಗ ಕಂಡಿರಿ? ಇಂತಹ ಜಾದುವನ್ನು ಮಾಡಬೇಡಿ.

Mr. SPEAKER.—The House will now rise for lunch and meet after half-an-hour.

The House adjourned for recess at Ten of the Clock and reassembled at Forty Minutes past Eleven of the Clock.

[Mr. SPEAKER in the Chair]

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಾನು ಇನ್ನು ಹೆಚ್ಚಿಗೆ ಕಾಲ ತೆಗೆದುಕೊಳ್ಳಲು ಅಪೇಕ್ಷಿಪುವುದಿಲ್ಲ ಆದರೆ ನಾನೀ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದು ಮಾತನ್ನ ಹೇಳಲೇ ಬೇಕಾಗಿದೆ ವಿರೋಧ ಪಕ್ಷದಲ್ಲಿರತಕ್ಕ ಸದನ್ಯರು ಆಡಳಿತ ನಡೆಸುತ್ತಿರುವ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷಕ್ಕೆ ಏನೇ ಹೇಳಲಿ ಅದು ಅವರ ಕಪಿಗೇ ಬೀಳುವುದಿಲ್ಲ ಹೀಗಾಗಿ ನಾವು ಈ ಆಡಳಿತ ಪಕ್ಷಕ್ಕೆ ಹೇಳತಕ್ಕದ್ದೆಲ್ಲಾ ಸರ್ವಜ್ಞಕವಿಯು ಹೇಳಿರುವಂತೆ 'ಮೂರ್ಖಂಗೆ ಬುದ್ಧಿಯನ್ನು ನಾರ್ಕಾಲ ಹೇಳಿ ದೊಡೆ ಗೊರ್ಕಲ್ಲಮೇಲೆ ಮಳೆ ಸುರಿದಂತೆ ಸರ್ವಜ್ಞ' ಎಂದ ಹಾಗಾಗಿದೆ ಈ ದಿವನ ಆಡಳಿತಪಕ್ಷದ ಥೋರಣೆ ಯಾರು ಏನು ಬೇಕಾದರೂ ಹೇಳಿಕೊಂಡು ಹೋಗಲಿ ನಾವು ಮಾಡುವುದನ್ನೇ ಮಾಡೋಣ ಎಂಬುದಾಗಿದೆ. ದೇಶದಲ್ಲಿರತಕ್ಕ ಜನರಾದರೂ ಏನೆಂದುಕೊಂಡಾರು ಎಂಬ ಭೀತಿ ಬೇಡವೇ ಈ ಸರ್ಕಾರಕ್ಕೆ? ಹಿಂದೆ ಹೋಂ ಮಿನಿಷ್ಟರ್ ಅವರು ಹೇಳಿದಮಾತು ಸತ್ಯಕ್ಕೆ ದೂರವಾದ್ದು ಅವರು ಹೇಳಿದಂಥ ಮಾತು "ಶರಧಿ ಮಥನದೊಳುದಿಸಿ ವಿಷವಾವ ರೈತರ ಕಂಡು ದೇವಾನುರರು ಮುನಿಗಳು....."

Sri A. R. PANCHAGAVI (Gokak-II).—Sir, I rise to a point of order. The member recites a poem and says 'MOORKHA' which means 'fool' Is it parliamentary Sir?

Mr. SPEAKER.—He is only reciting a poem.

Sri B. VAIKUNTA BALIGA.—He did not exclude himself from that.

(*Laughter*)

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇದೇನು ಸ್ವಾಮಿ, ಕುಂಬಳಕಾಯಿ ಕಳ್ಳ ಎಂದರೆ ಹೆಗಲು ಮುಟ್ಟಿ ನೋಡಿ ಕೊಂಡ ಎಂದ ಹಾಗೆ ಇಂಥ ವಿಚಾರಗಳಲ್ಲಿ ಯಾರೂ ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್ ಎತ್ತಬಾರದೆಂದು ಅಧ್ಯಕ್ಷರು ಅಪ್ಪಣೆ ಕೊಡಿಸಿದರೂ ಶ್ರೀ ಪಂಡಗಾವಿಯವರು ಇನ್ನೂ ಆ ಹಿಂದಿನ ದಾರಿಯಲ್ಲೇ ಹೋಗುತ್ತಿದ್ದಾರೆ. ಈಗ ನಾನು ಹೇಳಿದ್ದು ಪಾರ್ಲಮೆಂಟರಿ ಅಲ್ಲವೇ? ಅದು ರೆರೆವೆನ್ಸಿಗೆ ಸರಿಯಾಗಿಲ್ಲವೇ? ನಾನು ಉಪಯೋಗಿಸಿದ ಸಂದರ್ಭಯಾವುದು? ನನ್ನ ಸ್ನೇಹಿತರಾದ ಶ್ರೀ ಪಂಡಗಾವಿಯವರು ಅಚ್ಚಕನ್ನಡಿಗರು. ಅವರೇ ಆ ಸರ್ವಜ್ಞನ ಪದಕ್ಕೆ ಅಪಾರ್ಥಮಾಡಿದರೆ ನಾನಿನ್ನು ಏನು ಹೇಳಲಿ! ಈ ಹಿಂದೆ ನಾವು ಈ ಬಿಲ್ಲಿನ ಬಗ್ಗೆ ಇಂಥಾದ್ದೆಲ್ಲ ಸರಿಯಾಗಿಲ್ಲ ಎಂದು ಎಷ್ಟೋ ವಾದ ಮಾಡಿದೆವು ಆದರೂ ಸರ್ಕಾರದವರು ನಮ್ಮ ಮಾತಿಗೆ ಬೆಲೆ ಕೊಡದೆ ಅವರವರ-ಅವರ ರವಿಂದ ಈ ಬಿಲ್ಲಿಗೆ ಮದುವೆಮಾಡಿಸಿ ಬಿಟ್ಟರು. ಈ ಬಿಲ್ಲಿಗೆ ತಾಳಿಕಟ್ಟಿದ್ದುನಮ್ಮ ಕಾಲದಲ್ಲೇ, ಅದೂ ಈಗಿರತಕ್ಕ ಅಧ್ಯಕ್ಷರ ಪೌರೋಹಿತ್ಯದಲ್ಲೆ! ಆದರೆ ಹಾಗೆ ಆ ದಿವನ ಆತುರಾತುರದಲ್ಲಿ ತಾಳಿಕಟ್ಟಿದ್ದು ಈ ದಿವನ ಏಕೆ ಹೀಗಾಯಿತು! ಈ ಅಧ್ವಾನವೆಲ್ಲ ಏಕೆ? ಕಾರಣವಿಷ್ಟೆ ನಿಧಾನವಾಗಿ ಆಲೋಚನೆ ಮಾಡದೆ ಹಿಂದೂ ಮುಂದೂ ನೋಡದೆ ತಾಳಿಕಟ್ಟಿದ್ದರಿಂದಲೇ ಈ ದಿವನ ಮತ್ತೆ ನಮ್ಮ ಮುಂದೆ

ಬಂದಿರುತ್ತೆ, ಹಿಂದೆಯೇ ನಾವು ಈ ವಿಚಾರವನ್ನೆಲ್ಲ ತಿಳಿಸಿದ್ದೆವು ಆದರೆ ಆ ದಿವಸ ನಮ್ಮ ಮಾತಿಗೆ ಬೆಲೆ ಇರಲಿಲ್ಲ ಆದರೆ ನಾವು ಆ ದಿವಸ ಹೇಳಿದ್ದ ಮಾತಿಗೆ ಈ ದಿವಸವಾದರೂ ಆಡಳಿತ ಪಕ್ಷದವರು ಸ್ವಲ್ಪ ಮನ್ನಣೆ ಕೊಟ್ಟರಲ್ಲಾ ಎಂಬುದಕ್ಕೆ ನಾನು ಸಂತೋಷಪಡುತ್ತೇನೆ ಈ ಹಿಂದೆ ನಾನೂ ಮತ್ತು ಶ್ರೀ ಜಿ. ಮೆಕಚೇಗೌಡರು ಏನು ಹೇಳಿದ್ದೆವೋ ಅದಕ್ಕೆ ಈ ದಿವಸ ಪೂರ್ಣ ಮನ್ನಣೆದೊರೆತಿದೆ, ಬಹಳ ಸಂತೋಷ ಆದರೆ ಆಡಳಿತದಲ್ಲಿ ಇನ್ನು ಮುಂದಕ್ಕೆ ಈ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷ ಇರಲಿ ಇಲ್ಲದೆ ಹೋಗಲಿ ಅವರು ಈ ವಿಚಾರಗಳಲ್ಲಿ ಹೀಗೆಲ್ಲ ಮಾಡುವಾರದು ಮೈನೂರಿನ ಕೀರ್ತಿಗೆ ಧಕ್ಕೆ ತರುವಾರದೆಂದೂ ಕಾಂಗ್ರೆಸ್ ಪಾರ್ಟಿಯಲ್ಲಿ ಯಾರಾದರೂ ಇಂಥ ತಪ್ಪುನಡವಳಿಕೆಗಳಿಗೆ ಒತ್ತಾಯಮಾಡಿದರೆ ಅಂಥವರಿಗೆ ತಕ್ಕ ಪ್ರಾಯಶ್ಚಿತ್ತವಾಡಿ ಎಂದು ಹೇಳಿ ಈಗ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಎದುರು ಪಕ್ಷಗಳವರು ಸಂಚಿತ ನುಡಿಗಳಿಗೆ ಮುಕ್ತಾಯದೆ ದೊರೆತದ್ದು ದೇಶಕ್ಕೆ ಗಾಬರವನ್ನುಳಿಸಿದಂತಾಯಿತೆಂದು ಹೇಳಿ ನಾನು ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

†Sri M. C. NARASIMHAN.—Sir, I oppose the amendment. I am very sorry that Suryanarayana Rao the author of all this mischief is not here. I am definitely opposed to this amendment. Sir, I agree with Mr. Muckannappa and Mr. Mallaradhya that this House has been insulted by the procedure adopted by the Government. It is unfortunate that not merely in this case but with regard to other Bills which have been passed by this House, the samething is going to happen. The fate of those Bills also would be similar and they will again come back before this House from the Council. The Shops and Establishment Bill also will provide some material for us to make a similar comment. Sir, Mr. Baliga took objection for the use of the word 'tragedy' by Mr. Mallaradhya. Perhaps, Mr. Mallaradhya meant that it was a tragedy for the Congress party at the eve of the elections. All this could have been done earlier. But why at this last juncture, on this last occasion when the term of the Assembly is going to be over, this has been done, is not understandable. In that sense, he has used that word 'tragedy'. I do not know why the Minister should object to that.

Sir, I was really anxiously looking forward to the Law Minister making some cogent and intellegent observations in respect of the procedure or in respect of the issues now sought to be accepted in the matter of disposal of writ petitions. This is a matter which was debated thoroughly in this House. I understand that this matter was equally thoroughly debated in the Council also. One thing that failed to impress me was that there was no argument or reason adduced by the Hon'ble Minister as to why the amendment was accepted in the Council. The Assembly had accepted a particular amendment and the same Law Minister who was in charge of the Bill then and who is in charge of it now also, was part and parcel of the amendment. Why he chose to make a different concession to the Council was not clear. After all, it is true that our rules provide for an amendment to be moved by the Council and later on accepted when it comes back to this House. I believe that procedure has only to be resorted to in certain exceptional circumstances. It cannot be made a general rule. Here you find a strange attempt to make it a general rule. What was the fundamental principle involved which compelled the Government to

(Sri M. C. NARASIMHAN)

accept this amendment with due deference to the wishes of the Council and not here, when the matter was raised ? In fact, the occasion was given up by the Law Minister when he made this observation that there are two opinions in this country on this issue and the country is equally divided between these two issues-whether it is better to have one judge to try the writ petitions or whether it would be better to have a bench of two judges. He was pleased to say that even the High Court has differed on this point and even the Law Commission is not able to make a definite recommendation on this issue and that much can be said on both sides. But what is the compelling reason for the Government to waste the time of this House by adopting this dubious procedure ; why should the Law Minister agree to this ? I can only read one meaning into this. The Law Minister in charge of the Bill has a particular and definite view on this point and he wanted to try his peisonal view on the House. Otherwise, he would not have sacrificed the interest of the Party. We know the Congress Legislature Party plays drucks and drakes with public interest. After due deliberation, he accepted the amendment. At that time as I could see, the Law Minister was not in agreement with the amendment suggested by Sri Suryanarayana Rao. He therefore said that he would leave it to the House. But when it went to the Council, if I may be pardoned to use an expression in respect of a venerable person—rather old and kind men like Mr. Baliga I think he manoevered the position where the Council accepted his amendment and Mr. Suryanarayana Rao was not there. Well, I do not know what really happened in the Council, because I was not there.

I am opposed to the amendment for one reason, It may look like a repetition. But still, I would only invite the attention to one aspect. Supposing a single judge tries the writ petition–what is the harm ? I have heard the arguments advanced by Sri Mallaradhya and other friends. I am not able to understand the harm in it. Supposing a single judge or a full bench. In fact, after all, the writs are an extraordinary remedy. There are orders of Government and decisions of the industrial tribunals where there is no appeal provision and there is no remedy at all. In such extraordinary cases, is it not advisable to provide for one appeal ? A sort of an appeal or second review or second thinking ? If you have two judges sitting over writ petitions. The danger is that once it is tried by a bench of two judges, the opportunity for second thinking before the judges is totally lost. Sir, I am a lay-man and I am not a lawyer, when I say something about the High Court, the Law Minister should not object. That danger is there if the amendment is accepted, because when there are a large number of writ petitions before the High Court, I believe there will be a tendency to rush through writ petitions. So when the questions comes up for admission, the tendency naturally would be to rush through. Sir, admissibility of writ petitions very largely depends upon the discretion of the judges presiding and some writ

petitions may be disallowed. I understand from complaints made by the Lawyers of the High Court that it is a summary procedure adopted and the whole matter is covered by the discretion and it will become difficult if the petition is disallowed. When this situation is prevailing and when we expect that more and more writ petitions will be resorted to by the litigant public to enforce the fundamental rights. I think it is necessary to provide for a second thought on these matters. It is after taking this particular situation into account that myself and my friend Sri V. Srinivasa Shetty, the other day accepted the amendment, through Mr. Mallaradhya and others chose to strike a discordant note. When this House accepted this amendment, why it should be sought to be changed again, I do not understand at all.

There is one more point. The other important aspect is supposing writ petitions are disposed of in a summary manner and very early, one would be very happy about it. Supposing it was that the writ petitions are kept pending and are not disposed of within a definite period of time ? In this connection I would like to point out one important aspect on which the Government appears to be rather helpless and we have no power to ask the High Court also. I am referring to one particular aspect. If you see the progress of writ petitions in Mysore High Court, one may be tempted to say that it is very quick. That was the sum and substance of the observations made by my Hon'ble friend Sri J. B. Mallaradhya. I will point out on the other hand that there are any number of writ petitions pending for a very long time which have not been disposed of at all, though the statute requires that it should be disposed of early, as for example, labour matters. The whole question is covered by the Industrial Disputes Act. In the Industrial Disputes Act, there is no provision for appeal against an award of the Industrial tribunal or the Labour Act. These matters relate to disputes between the employers and employees and there is an obvious urgency for settlements being effected very quickly. By resorting to these writ petitions, the whole purpose is completely defeated and the Government is unable to do anything in regard to this matter. They are unable to tell the High Court that this is the matter and please dispose of writ petitions in labour matters. I expected that at least in bringing this amending Bill, something may be done in this regard. That is not forthcoming at all. For example, the other day the 53rd list of questions was answered in which this matter was involved. It was replied on that occasion that in the year 1957 six writ petitions were filed in respect of the awards made by the Industrial Tribunals. In 1958, five were filed; in 1959, out of fourteen petitions filed, two were disposed of; in 1960, out of thirty five petitions, Six were disposed of and in 1961 up to end of June, ten writ petitions have been disposed of. So Sir, you will see that the petitions filed as early as 1958 have not been disposed of; 1959 have not been disposed of. In other words, though it is three or four years, in respect of labour matters, the writ petitions are pending

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before the High Court and mostly it is a question of jurisdiction. So, inordinate delay is involved in the disposal of petitions and this would defeat the very purpose of the labour legislation. That is the issue that has been brought to the notice of the Government through this very question itself.

11-00 A.M.

I was looking forward that the Law Minister being in charge of Labour also would try to accommodate labour in this amendment or alternatively labour in this amendment or alternatively make some other provision for it, but nothing is found here. This pertains to the question of administration. The question as to whether there should be a single judge or a bench of two judges should have been left to the High Court to decide. If the Government had consulted the High Court and brought this particular point of view of labour to its notice, then possibly a way out could have been found for labour from this difficult situation, but unfortunately the Government is not in a mood to look into it and it is prepared to commit errors of this type which neither helps the parties nor enhances the prestige of the Government or of the Minister who is claimed to be a very eminent lawyer.

With these observations I do feel that this amendment is uncalled for and the Bill as passed by the Assembly alone should be allowed to remain and become Act.

† ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ (ಚನ್ನಪಟ್ಟಣ).—ಸ್ವಾಮಿ, ನನಗೆ ಈ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ವಿರೋಧ ಮಾಡುವುದಕ್ಕೆ ಇಷ್ಟವಿಲ್ಲ, ಇದನ್ನು ಸ್ವಾಗತಿಸುತ್ತೇನೆ. ಆದರೆ ಈ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಪಾಸಾದಮೇಲೆ, ಈ ಮಸೂದೆಯನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ಇಂಟ್ರೊಡ್ಯೂಸ್ ಮಾಡಿರತಕ್ಕಂಥ ರೀತಿಯನ್ನು ಮಾತ್ರ ವಿರೋಧಿಸುತ್ತೇನೆ. ಈ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ಸ್ವಾಗತಿಸುತ್ತಾ, ಇಂಟ್ರೊಡ್ಯೂಸ್ ಮಾಡಿರುವ ರೀತಿಯನ್ನು ಮಾತ್ರ ನಾನು ವಿರೋಧಿಸಬೇಕಾಗಿದೆ ಎಂದು ಪುನಃ ಹೇಳುತ್ತೇನೆ.

ಇಡೀ ಮೈಸೂರಿನ ಚರಿತ್ರೆಯಲ್ಲಿ, ಈ ಕಳೆದ ಮನೆಯಲ್ಲಿ ಇಂಥ ಒಂದು ಪ್ರಸಂಗ ನಡೆದಿರತಕ್ಕಂಥಾದ್ದು ಇದು ಒಂದೇ ಒಂದು ಸಾರಿ ಎಂದು ಹೇಳಿದರೆ ಅದು ಹೆಚ್ಚುಗಾರಿಕೆ ಮಾತಲ್ಲ. ಶ್ರೀವರ್ಮಾ ಬಾಳಿಗರವರಿಗೆ ಪ್ರಜಾ ಪ್ರಭುತ್ವದಲ್ಲಿ ನಂಬಿಕೆ ಇದೆಯೆಂದು ನಾನು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಬಾಳಿಗ ಹಿರಿಯ ನಾಯಕರ ಶ್ರೇಣಿಗೆ ಸೇರಿರತಕ್ಕಂಥವರು. ಅಂಥವರಿಗೆ ಪ್ರಜಾಪ್ರಭುತ್ವ ಮತ್ತು ಪಾರ್ಲಿಮೆಂಟರಿ ಡೆಮಾಕ್ರೆಸಿ ಗೊತ್ತಿಲ್ಲವೆಂದು ಹೇಳುವುದು ಸಾಧುವಾದುದಲ್ಲ. ನಾನು ಕೂಡ ಅವರಿಗೆ ಪ್ರಜಾಪ್ರಭುತ್ವ ಮತ್ತು ಪಾರ್ಲಿಮೆಂಟರಿ ಡೆಮಾಕ್ರಸಿ ತತ್ವಗಳು ಗೊತ್ತಿವೆಯೆಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಹೀಗಿದ್ದೂಕೂಡ, ಈ ಕಳ ಮನೆಯಲ್ಲಿ ಶ್ರೀವರ್ಮಾ ಬಾಳಿಗರವರ ವಿರುದ್ಧ, ಅವರ ಅಭಿಪ್ರಾಯಕ್ಕೆ ವಿರುದ್ಧ ಓಟು ಮಾಡಿದಾಗ, ಸರ್ಕಾರದ ಬಿಲ್ಲಿನ ವಿರುದ್ಧ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ತಂದು ಅದನ್ನು ಪಾಸು ಮಾಡಿದಾಗ, ಅದು ಬರೀ ಬಾಳಿಗರವರೇ ವಿರುದ್ಧವೇ ಅಲ್ಲ, ಸರ್ಕಾರದ ವಿರುದ್ಧ, ಇಡೀ ಮಂತ್ರಿಮಂಡಲದ ವಿರುದ್ಧ ಪಾಸಾದುದು.

Sri B. VAIKUNTA BALIGA.—Every amendment is not against the Government.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—It is against the wishes of the Government. ಈ ಸರ್ಕಾರ ತಂದಿರತಕ್ಕಂತ ಬಿಲ್ಲಿನಲ್ಲಿ ಅತಕಪವಾಗಿರತಕ್ಕಂಥ ಕಾನೂನು ನೇರವಾಗಿಲ್ಲ. ಸರಿಯಾಗಿಲ್ಲ ಎಂದು ಹೇಳಿ ಈ ಅಮೆಂಡ್‌ಮೆಂಟ್ ತಂದು ಸರ್ಕಾರ ವಿರೋಧಿಸಿವಹಾಗಾಯಿತು ಆದ್ದರಿಂದ ನ್ಯಾಯವಾದ ಯಾವ ಸರ್ಕಾರವೇ ಆಗಲ ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ನಂಬಿಕೆ ಇದ್ದಿದ್ದರೆ ರಾಜೀನಾಮೆ ಕೊಡಬೇಕಾಗಿತ್ತು. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ಬಾಳಿಗರವರಿಗೆ ನಂಬಿಕೆ ಇದೆಯೆಂದು ನಾನು ಹೇಳಬೇಕಾಗಿಲ್ಲ. ಅವರಿಗೆ ನಂಬಿಕೆ ಇದೆಯೆನ್ನುವುದು ನನಗೆ ಗೊತ್ತು. ಇಂಥ ಸಂಧರ್ಭದಲ್ಲಿ ರಾಜ್ಯದ ಹಿರಿಯ ನಾಯಕರಾದ ಬಾಳಿಗರವರು ಏನು ಮಾಡಬೇಕಾಗಿತ್ತೆಂದರೆ, ಈ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಪಾಸಾದುದು ನಮ್ಮ ವಿರುದ್ಧ ವೋಟು ಆಗಿದೆ ಎಂದು ಸರ್ಕಾರಕ್ಕೆ ಸಲಹೆ ಮಾಡಬೇಕಾಗಿತ್ತು, ಈ ಅಮೆಂಡ್‌ಮೆಂಟ್ ತಂದಿರುವುದು ಸರ್ಕಾರದ ಇರಾದೆಗೆ ವಿರೋಧವಾಗಿದೆ, ಮತ್ತು ಓಟಾಗಿದೆ ಆದ್ದರಿಂದ ನಾವು ರಾಜೀನಾಮೆ ಕೊಡಬೇಕು ಎಂದು ಸರ್ಕಾರಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡಬೇಕಾಗಿತ್ತು. ಇಷ್ಟು ಪ್ರಜಾಪ್ರಭುತ್ವ ಸರ್ಕಾರಗಳಿವೆ, ಎಲ್ಲಯಾದರೂ ಒಂದು ಕಡೆ ಇಂಥ ಒಂದು ಸಣ್ಣ ವಿಷಯ ನಡೆದಿದ್ದರೆ, ತಿರುಗ ವಾಪಸು ತರುವ ಸನ್ನಿವೇಶ ಬಿದಗಿದ್ದರೆ, ಸರ್ಕಾರ ಸಾಯಂಕಾಲದ ಮೇರೆ ನಡೆಸುವುದಕ್ಕೆ ಯಾರೂ ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಿರಲಿಲ್ಲ. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ಬೆರೆ ಇಷ್ಟಿದ್ದೇ ಆದರೆ, ಇದು ಬಾಳಿಗರವರ ವಿರುದ್ಧವಲ್ಲ, ಇದು ಮಂತ್ರಿಮಂಡಲದ ವಿರುದ್ಧವಾದ ಅಮೆಂಡ್‌ಮೆಂಟು. ಈ ಬಿಲ್ಲನ್ನು ಇಲ್ಲಿ ತಂದು ಇಂಟ್ರೊಡ್ಯೂಸ್ ಮಾಡಿರುವುದು ನೋಡಿದರೆ, ಪ್ರಜಾಪ್ರಭುತ್ವವನ್ನು ಇವರು ಸುಮ್ಮನೆ ಕಾಗದದ ಮೇರೆ ಉಳಿಸಿಕೊಂಡು ಬರುತ್ತಾರೆಯೇ ಏನ, ಇವರಿಗೆ ಅಚರಣೆಯಲ್ಲಿ ಪ್ರಜಾಪ್ರಭುತ್ವ ಬೇಕಾಗಿಲ್ಲ, ಇವರಿಗೆ ನಂಬಿಕೆಯಿಲ್ಲ ಎಂದು ಹೇಳಬಹುದು. More or less, ಪವರ್ ಇವರ ಕೈಲಿ ಇರುವುದರಿಂದ ಸರ್ವಾಧಿಕಾರಿಗಳ ರೀತಿಯಲ್ಲಿ ಈಗ ಸರ್ಕಾರ ನಡೆಯುತ್ತಾ ಇದೆ. ಇದಲ್ಲದೆ ಈ ಕೆಳಮನೆಗೆ ಅವಮಾನ ಏನು ಮಾಡಿದ್ದಾರೆಂದರೆ, ಈ ಕೆಳಮನೆ ಸದಸ್ಯರುಗಳಿಗೆ ವಿವೇಕವಿಲ್ಲ ಎನ್ನುವ ರೀತಿಯಲ್ಲಿ ಇದು ಬಂದಿರುತ್ತದೆ. ಕೆಳಮನೆಯವರು ವಿವೇಕರಹಿತರು, ಇವರಿಗೆ ವಿವೇಕ ಇಲ್ಲದಿರುವುದರಿಂದ ಮೇಲ್ಮನೆಯವರು ತಿದ್ದುಪಡಿ ಮಾಡುವುದಕ್ಕೆ ಈ ಬಿಲ್ಲನ್ನು ವಾಪಸು ಕಳುಹಿಸಿದ್ದಾರೆ, ಎಂಬ ಭಾವನೆ ಬರುತ್ತದೆ. ಈ ಮೂಲಕ ಅಲ್ಲಿರುವ ಆಳುವ ಪಕ್ಷದ ಸದಸ್ಯರು ಹೇಳಿರುವುದೇನೆಂದರೆ ಈ ರೀತಿ ಇಲ್ಲಿರುವ ಆಳುವ ಪಕ್ಷದ ಸದಸ್ಯರು ಮಾಡಿರುವುದು ತಪ್ಪು, ಇವರಿಗೆ ವಿವೇಕವಿಲ್ಲವೆಂದು, ಕೆಳಮನೆಯಲ್ಲಿ ಬೇರೆ ಆಳುವ ಪಕ್ಷವಿಲ್ಲ, ಮೇಲ್ಮನೆಯವರು ಆಳುವ ಪಕ್ಷವೇ ಕೆಳಮನೆಯಲ್ಲಿಯೂ ಇದೆ. ಆದರೂ ಕೆಳಮನೆಯ ಆಳುವ ಪಕ್ಷದವರು ವಿವೇಕವಿಲ್ಲದೆ ಬಿಲ್ಲು ಪಾಸು ಮಾಡಿಸಿಕ್ಕಾಪಟ್ಟೆ ಮಾಡಿದ್ದಾರೆಂದು ಹೇಳಿದಹಾಗಾಯಿತು. ನಾವು ಎಲ್ಡರ್ಸ್, ನಮ್ಮ ಮಾತು ಕೇಳಿ ಎಂದು ಅವರು ಹೇಳುತ್ತಿದ್ದಾರೆ. ಇದೇ ಸರ್ಕಾರದ ಪಾರ್ಟಿ ರೆಜಿಸ್ಟ್ರೇಟೀವ್ ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್ನಲ್ಲಿಯೂ ಇದೆ. ರೆಜಿಸ್ಟ್ರೇಟಿವ್ ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್ನಲ್ಲಿ ಮೆಜಾರಿಟಿಯಲ್ಲಿರತಕ್ಕ ಜನ ಇಲ್ಲಿರುವವರಿಗೆ ಬುದ್ಧಿ ಹೇಳಿದಹಾಗಾಯಿತು. ಅವರು ಹೇಳಿತಕ್ಕ ಮಾತು ನಮ್ಮ ಮೇರೆ ಪರಿಣಾಮವಾಗಿದೆ. ನಾವು ಇಲ್ಲಿ ವಿವೇಕವಿಲ್ಲದೆ ಅಮೆಂಡ್‌ಮೆಂಟುಗಳನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇವೆಂದು ಹೇಳಿದಹಾಗಾಗುತ್ತದೆ. ಮೆಜಾರಿಟಿಯಿಂದ ಪಾಸು ಮಾಡಿದರೂ, ಈ ನಥೆ ಒಪ್ಪಿಗೆ ಕೊಟ್ಟಹಾಗೆಯೇ, ಇದಕ್ಕೆ ನಮ್ಮ ಒಪ್ಪಿಗೆ ಆಗಲಲ್ಲ ಎಂಬ ಮಾತು ಆಗುವುದಿಲ್ಲ. ಈ ಅಮೆಂಡ್‌ಮೆಂಟ್ ವಿಚಾರದಲ್ಲಿ ನಡೆದಿರತಕ್ಕಂಥ ಘೋರಣೆ, ಅನುಸರಿಸತಕ್ಕಂಥ ನೀತಿ ನೋಡಿದರೆ, ಬಾಳಿಗರವರು ಸರ್ಕಾರದಲ್ಲಿರಬಾರದು. ಕಾಂಗ್ರೆಸ್ಸಿನಲ್ಲಿ ಗ್ರೂಪಿಸಮ್ ಇದೆಯೆಂದು ಪ್ರಪಂಚಕ್ಕೆ ಗೊತ್ತಿದೆ. ಇದು ಗೊತ್ತಿಲ್ಲದವರು ಯಾರೂ ಇಲ್ಲ. ದಿನಬೆಳಗಾದರೆ ಪೇಪರುಗಳಲ್ಲಿ ಇದು ಬರುತ್ತಿದೆ ಬಾಳಿಗರವರು ತಮ್ಮ ಗುಂಪಿನಲ್ಲಿಲ್ಲವೆಂದು, ಈ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ತಂದು, ಪಾಸು ಮಾಡಿ, ಅವರ ಮುಖ ಸ್ವಲ್ಪ ಕಡಿಮೆ ಆಗುವಹಾಗೆ ನಮ್ಮ ಸ್ನೇಹಿತರು ಮುಖ ಭಂಗ ಮಾಡುವ ರೀತಿಯಲ್ಲಿ ಎಂದು ಹೇಳಿಕೊಡುತ್ತಿದ್ದಾರೆ. ನನಗೆ ಆ ಪದ ಬರುವುದಿಲ್ಲ, ಮಾಡಿದ್ದಾರೆ. ಈ ಒಂದು ಉದ್ದೇಶ

(ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ)

ಮನ್ನಿಟ್ಟುಕೊಂಡು ಆ ಗುಂಪಿನವರು ಆಟವಾಡುವುದಕ್ಕೆ ವಿಧಾನ ಸೌಧವನ್ನು ಉಪಯೋಗಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ತಮತಮಗೆ ಏನು ಅನುಕೂಲಗಳು ಆಗಬೇಕೋ, ಅವುಗಳನ್ನು ಸಾಧಿಸಿಕೊಳ್ಳಲು ಈ ವಿಧಾನಸೌಧದಲ್ಲಿ ಆಟವಾಡುತ್ತಿದ್ದಾರೆಂದು ಹೇಳಿದರೆ ಹೆಚ್ಚುಗಾರಿಕೆಯಲ್ಲ. ಅಲ್ಲ ಮೆಲ್ಮನೆಯಲ್ಲ ಅವರಿಗೆ ಇಷ್ಟ ಬಂದಹಾಗೆ ಮೆಜಾರಿಟಿ ಬರಬಹುದು. ಇಲ್ಲ ಕೆಳಮನೆಯಲ್ಲಿ ಇವರು ಇಷ್ಟ ಪಟ್ಟಹಾಗೆ ಮೆಜಾರಿಟಿ ಬರಬಹುದು. ಒಬ್ಬ ಸದಸ್ಯರು ಯಾವುದೇ ಪಾರ್ಟಿಗೆ ಸೇರಿರಲಿ, ಅವರು ಹಿರಿಯರ ಶ್ರೇಣಿಗೆ ಸೇರಿರತಕ್ಕಂಥವರು. ಬಾಳಿಗಾರವರು ಈ ಬಿಲ್ಲನ್ನು ಖಂಡಿತ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಮಾಡುವುದಕ್ಕೆ ವಾಪಸು ತರಬಾರದಾಗಿತ್ತು. ಬಾಳಿಗರವರು ಈ ಮಂತ್ರಿಮಂಡಳದಲ್ಲಿ ಮಂತ್ರಿಗಳಾಗಿದ್ದು ಜೀವನ ಮಾಡಬೇಕಾಗಿಲ್ಲ. ಅವರಿಗೆ ಭಗವಂತ ಬೇಕಾದಷ್ಟು ಅನುಕೂಲಗಳನ್ನು ಕೊಟ್ಟಿದ್ದಾನೆ. ಅವರಿಗೆ ಸಂಪಾದಿಸುವ ಶಕ್ತಿ ಇದೆ. ಬೇಕಾದರೆ ಮಂತ್ರಿಮಂಡಲಕ್ಕೆಲ್ಲಾ ಸಂಬಳ ಕೊಡುವ ಯೋಗ್ಯತೆ ಇದೆ. ಅವರಿಗೆ ಅಧಿಕಾರದ ಒಂದು ವ್ಯಾಮೋಹವೂ ಇಲ್ಲವೆನ್ನುವುದು ನನಗೆ ಗೊತ್ತಿದೆ.

ನೀವು ಯಾವ ಸಾಧನೆಗೋಸ್ಕರ ಈ ಮಂತ್ರಿಮಂಡಲದಲ್ಲಿ ಪುನಃ ಬಂದು ಈ ಮನೂದೆಯನ್ನು ಇಲ್ಲಿ ಮತ್ತೊಂದು ಸಾರಿ ತರಬೇಕಾಯಿತೋ ನನಗೆ ಅರ್ಥವಾಗಲಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ವಿಧಾನಸಭೆಯಿಂದ ಅಂಗೀಕೃತವಾದ ವಿಧೇಯಕದಲ್ಲಿ ವಿಧಾನ ಪರಿಷತ್ತು ತಿದ್ದುಪಡಿಗಳನ್ನೇನಾದರೂ ಮಾಡಿದರೆ ಸಂವಿಧಾನದ ಪ್ರಕಾರ ಅವುಗಳನ್ನು ವಿಧಾನಸಭೆ ಪರಿಶೀಲಿಸಬೇಕಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಮಂತ್ರಿಗಳನ್ನು ಯಾವ ರೀತಿಯಲ್ಲೂ ಈ ಬಗ್ಗೆ ದೆಬಾಯಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ನಾನು ಮೇಲ್ಮನೆಯಲ್ಲೂ ಇದ್ದೆ. ನನಗೆ ಆ ಕಾನೂನು ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ. ಈಗ ಮೇಲ್ಮನೆಯಿಂದ ಕೆಳಮನೆಗೆ ನನ್ನನ್ನು ತಳ್ಳಿದರಷ್ಟೆ, ಆದರೆ ನಾನು ಇನ್ನೊಂದುಸಾರಿ ಮೇಲ್ಮನೆಗೆ ಹೋಗುವುದಿಲ್ಲ. ನಾನು ಹೇಳುವುದಿಷ್ಟೆ. ಅವರು ಹೇಳಿದ್ದೇ ಸರಿ ಎಂದು ನಾನು ವಾದಮಾಡುವವನಲ್ಲ ಮತ್ತು ಮೇಲ್ಮನೆಯಿಂದ ಮಾಡಿದ್ದನ್ನು ಇಲ್ಲ ತರಲೇ ಬಾರದು ಎಂದು ನಾನು ಹೇಳುವವನಲ್ಲ. ಮಂತ್ರಿಮಂಡಲಕ್ಕೆ ಒಂದುಸಾರಿ ಸೋಲು ಆದಮೇಲೆ ಯಾವ ವಿಚಾರವೇ ಆಗಲಿ ಆ ವಿಚಾರವನ್ನು ಪುನಃ ಅವರೇ ಇಲ್ಲಿ ತರಬಾರದು ಎಂಬುದಾಗಿ ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ಒಂದು ಸಂಪ್ರದಾಯವೇ ಇದೆಯೆಂದು ಹೇಳಿದೆ. ಸರ್ಕಾರದಲ್ಲಿ ನೀವು ಮಂತ್ರಿಗಳಾಗಿದ್ದುಕೊಂಡು ಇಂಥಾದ್ದನ್ನು ಪುನಃ ಇಲ್ಲಿ ತರಬಾರದಾಗಿತ್ತು. ಆದರೆ ನಾನು ಮೇಲ್ಮನೆಗೆ ಗಾರವಕೊಡಬಾರದು ಎಂದೇನು ಹೇಳುವುದಿಲ್ಲ. ಮೇಲ್ಮನೆಯೇ ಇರಬಾರದು ಎಂದು ಹೇಳುತ್ತಿರುವಾಗ ನಾವು ಈಗ ಅವರ ಮಾತಿಗೆ ಗಾರವಕೊಡಬೇಕು. ಅವರಂತೆ ನಡೆಯಬೇಕಾದುದು ಧರ್ಮ. ಒಂದು ವೇಳೆ ನಾವು ಅವುಗಳನ್ನು ಬೇಡವೆಂದು ಹೇಳಿದರೂ ಹೇಗೋ ಮನೂದೆ ಪಾಸಾಗುತ್ತದೆಂಬ ಭರವಸೆಯೂ ನಿಮಗೆ ಇದೆ. ಆದರೆ ಹೀಗೆಲ್ಲಾ ನೀವು ಮನಸ್ಸಿಗೆ ಬಂದಹಾಗೆ ಮಾಡಿ ಒಂದು ಸಾರಿ ಇಲ್ಲ ಪಾಸಾದ ಬಿಲ್ಲಿಗೆ ಮತ್ತೊಂದು ಸಾರಿ ನಿಮ್ಮ ಪಕ್ಷದಿಂದಲೇ ತಿದ್ದುಪಡಿಗಳನ್ನು ತಂದು ಅದನ್ನು ಮೇಲ್ಮನೆಯಲ್ಲಿ ಅಸ್ತು ಎಂದೆನಿಸಿಕೊಂಡು ಪುನಃ ಈ ಸಭೆಯಲ್ಲಿ ಪಾಸಾಗಬೇಕೆಂದು ತಂದಿರುವುದು ಬಹಳ ಶೋಚನೀಯವಾಗಿದೆ. ಈ ರೀತಿ ನಮ್ಮ ಮೇಲೆ ಒಂದು ರೀತಿಯ ಅಪಕೀರ್ತಿ ತರುವುದಕ್ಕೆ ಈ ಸರ್ಕಾರ ಇನ್ನು ಮುಂದೆ ಪ್ರಯತ್ನಮಾಡದೇ ಇರಲಿ ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಆದ್ದರಿಂದ ಈ ಕೂಡಲೇ ಈಗ ಶ್ರೀವರ್ಮ ಬಾಳಿಗಾ ಅವರು ಈಗ ಈ ಸಭೆಯಲ್ಲ ಮತ್ತೊಂದು ಸಾರಿ ಇಂಟ್ರಡ್ಯೂಸ್ ಮಾಡಿರತಕ್ಕ ಈ ಹೈಕೋರ್ಟ್ ಬಿಲ್ಲನ್ನು ವಿತ್‌ಡ್ರಾ ಮಾಡಿ ಮಂತ್ರಿಮಂಡಲದಿಂದ ಹೊರಗೆ ಹೋಗುವಂತಹ ಒಂದು ಒಳ್ಳೆಯ ಸಂಪ್ರದಾಯವನ್ನು ಹಾಕಲಿ ಮತ್ತು ಯಾರಾದರೂ ಈ ಬಿಲ್ಲನ್ನು ಇಂಟ್ರಡ್ಯೂಸ್‌ಮಾಡಿ, ನಾನು ಮಾಡುವುದಿಲ್ಲವೆಂದು ಹೇಳಿ

ಈಗಲೇ ಸಭೆಯಿಂದ ಹೊರಗೆ ಹೋಗಲು ಪ್ರಯತ್ನಮಾಡಲಿ ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ನನಗೆ ಗೊತ್ತು, ಅವರು ಇನ್ನೊಂದುಸಾರಿ ಚುನಾವಣೆಯಲ್ಲಿ ಬರುವುದಕ್ಕೆ ಶಕ್ತಿಇದೆ, ಯೋಗ್ಯತೆ ಇದೆ, ಎಲ್ಲ ವಿಧವಾದ ಗುಣಗಳು ಅವರಲ್ಲಿವೆ, ಯೋಗ್ಯರು, ಮುಂದಿನ ಚುನಾವಣೆಯಲ್ಲಿ ಗೆದ್ದುಬಂದು ಪುನಃ ಮಂತ್ರಿಗಳಾಗಬಹುದು, ಕೊನೆಯ ಪಕ್ಷ ಮುಖ್ಯಮಂತ್ರಿಗಳೇ ಆಗಬಹುದು. ಅಂತಹ ಗೌರವವನ್ನು ಸಂಪಾದಿಸಿದ್ದಾರೆ. ಅಂತಹ ವ್ಯಕ್ತಿಗಳ ಮೇಲೆ ನಾನೆಂದಿಗೂ ವಿರೋಧವಾಡುವುದಿಲ್ಲ. ಆದರೆ ಅಂತಹವರು ಈಗ ಒಂದು ಒಳ್ಳೆಯ ಸಂಪ್ರದಾಯವನ್ನು ಹಾಕಬೇಕು ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ನಂಬಿಕೆ ಇರುವವರು, ಕಾನೂನುಗಳನ್ನು ಚೆನ್ನಾಗಿ ತಿಳಿದಿರುವವರು ಒಂದು ಸಂಪ್ರದಾಯಕ್ಕೆ ವಿರೋಧವಾಗಿ ಅವರೇ ನಡೆಯುತ್ತಿರುವುದು ಬಹಳ ಅಸಾಧುವಾಗುದು ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಈ ಒಂದು ಬಿಲ್ಲನ್ನು ಪುನಃ ಇಲ್ಲಿ ತರುವುದಕ್ಕೆ ಅವರ ಮನಸ್ಸು ಹೇಗೆ ಬಂತು? ಏಕೆ ಅವರ ಪಕ್ಷದಲ್ಲಯೇ ತಿದ್ದುಪಡಿಗಳನ್ನು ತಂದು ಈ ರೀತಿ ನಮಗೆ ಅಪಮಾನಮಾಡಿದರೋ ನನಗೆ ಗೊತ್ತಾಗಲಿಲ್ಲ. ಇಂತಹ ಸ್ಥಿತಿಯಲ್ಲಿ ತಾವು ಮಂತ್ರಿಗಳಾಗಿ ಕಂಟಿನ್ಯೂಮಾಡುವುದು ನಿಜವಾಗಿ ಪ್ರಜಾಪ್ರಭುತ್ವಕ್ಕೆ ವಿರೋಧವಾಗಿಲ್ಲವೇ? ನಮಗೆಲ್ಲಾ ನಂಬಿಕೆ ಇರುವಾಗ ಶ್ರೀವರ್ಮ ಬಾಳಿಗಾ ಅಂತಹವರ ಗೌರವಕ್ಕೆ ಇದು ಚ್ಯುತಿತರುವಂಥಾದ್ದು ಆಗಿದೆ. ಇನ್ನೊಂದು ವಿಷಯ. ಈ ಬಿಲ್ ಪಾಸ್ ಆಗದೇ ಇದ್ದರೆ ರಾಜ್ಯ ತಲೆಕೆಳಗಾಗುವುದಿಲ್ಲ. ನಿಮಗೇನು ಮಂತ್ರಿಮಂಡಲದಲ್ಲಿದ್ದರೆ ಮೂರು ಸಾವಿರ ರೂಪಾಯಿಗಳ ಕರೀಟವೇನೂ ಬರುವುದಿಲ್ಲ. ದೇವರ ದಯೆಯಿಂದ ನಿಮಗೆ ಒಳ್ಳೆಯ ಮನಸ್ಸು ಬಂದು ಈಗಲೇ ಈ ಬಿಲ್ಲನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಂಡು ನೀವು ಏನಾದರೂ ಮಾಡಿಕೊಳ್ಳಿ ಎಂದು ಯಾರಾದರೂ ನಿಮ್ಮ ಸ್ನೇಹಿತರಿಗೆ ಅದನ್ನು ವಹಿಸಿ ಕೂಡಲೇ ಈ ಮಂತ್ರಿಮಂಡಲದಿಂದ ಹೊರಗೆ ಬರುವುದು ಸಾಧುವಾಪುದು ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ಶ್ರೀವರ್ಮ ವೈಕುಂಠ ಬಾಳಿಗಾ ಅವರು ನಂಬಿಕೆಯನ್ನು ನಿಜವಾಗಿ ಇಟ್ಟಿದ್ದರೆ ಈಗಲೇ ಜಿತ್ತು ಮಂತ್ರಿ ಮಂಡಲದಲ್ಲಿ ರಾಜೀನಾಮೆಯನ್ನು ಕೊಡಬಹುದಾಗಿತ್ತು. ಆದರೆ ಏಕೋ ಆ ಸ್ಥಾನವನ್ನು ಭದ್ರವಾಗಿ ಹಿಡಿದುಕೊಂಡೇ ಕೊತಿದ್ದಾರೆ.

ಅಧ್ಯಕ್ಷರು.—ಯಾರ್ಯಾರು ರಾಜೀನಾಮೆ ಕೊಡಬೇಕೆಂಬುದನ್ನೆಲ್ಲಾ ಹೇಳಿಬಿಡಿ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಇಡೀ ಮಂತ್ರಿಮಂಡಲವೇ [ಈಗಾಗಲೇ ಕೊಡಬೇಕಾಗಿತ್ತು. ಅದಿಲ್ಲದಿದ್ದರೆ ಕೆಲವೇ ಮಂತ್ರಿಗಳಾದರೂ ಜಾಗ್ರತೆ ರಾಜೀನಾಮೆ ಕೊಡಲಿ.

ಶ್ರೀ ಕುಂದೂರು ರುದ್ರಪ್ಪ (ಚನ್ನಗಿರಿ).— ಮಾನ್ಯಸದಸ್ಯರು ತಿದ್ದುಪಡಿಯ ಮೇಲೆ ಮಾತನಾಡುವಾಗ ಬಾಳಿಗಾ ಅವರು, ಎಂದು ಒಬ್ಬ ವ್ಯಕ್ತಿಯ ಹೆಸರಿನ ಮೇಲೆ ಮಾತನಾಡುತ್ತಿದ್ದರೂ ತಾವು ಸುಮ್ಮನಿದ್ದೀರಲ್ಲಾ!

ಅಧ್ಯಕ್ಷರು.—ತಾವು ಏನು ಹೇಳಿದರೂ ಸರ್ಕಾರದ ಮೇಲೆ ಹೇಳಿ. ವ್ಯಕಿಗಳ ಬಗ್ಗೆ ಮಾತನಾಡುವುದು ಸರಿಯಲ್ಲ.

ಶ್ರೀ ಕೂಂದೂರು ರುದ್ರಪ್ಪ.—ನಾನು ಹೇಳುವುದಿಷ್ಟೆ. ಸರಕಾರದ ಮೇಲೆ ಏನು ಬೇಕಾದರೂ ಟೀಕೆ ಮಾಡಲಿ ಬಾಳಿಗಾ, ಬಾಳಿಗಾ ಅವರು ಎಂದು ಏತಕ್ಕೆ ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳಬೇಕು ?

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಇನ್ನೆರಡು ಮೂರು ತಿಂಗಳುಗಳಲ್ಲಿ ನಿಮಗೇ ಆಶ್ಚರ್ಯವಾಗಿರುತ್ತದೆ. ಮಾರ್ಚಿನಲ್ಲಿ ಎಲ್ಲ ವಿಷಯಗಳೂ ನಿಮಗೇ ಗೊತ್ತಾಗುತ್ತದೆ. ನಿಮ್ಮ ಆಡಳಿತ ಈಗಾಗಲೇ ಜನತೆಗೆ ಬೇಸರವಾಗುತ್ತಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ಈಗ ತಿದ್ದುಪಡಿ ಮೇಲ್ಮನೆಯಿಂದ ಇಲ್ಲಿಗೆ ಪಾಸಾಗಿ ಬಂದಿದೆ. ಅದನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರು ಒಪ್ಪುತ್ತಾರೆಯೇ ಇಲ್ಲವೋ ?

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ತಿದ್ದುಪಡಿಗಳನ್ನೇನೋ ನಾನು ಒಪ್ಪುತ್ತಿದ್ದೇನೆ. ಆದರೆ ಈ ಮಂತ್ರಿ ಮಂಡಲ ಈ ರೀತಿ ಇಲ್ಲಿ ತರಬಾರದು. ಅದರಲ್ಲೂ ಅನುಭವಸ್ಥರಾದ ದೊಡ್ಡವರಾಗಿರುವ ಶ್ರೀಮಾನ್ ಬಾಳಿಗಾರವರು ಇಂತಹ ತಿದ್ದುಪಡಿಯನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ತರಬಾರದಾಗಿತ್ತು. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ಈ ಸರ್ಕಾರ ಇಂತಹ ಅನ್ಯಾಯ ಕೆಲಸಮಾಡುವುದಕ್ಕೆ ಕೈ ಹಾಕಿದೆ ಎಂಬ ಪಾತವನ್ನು ಮೈಸೂರು ದೇಶಕ್ಕೆ ಕಲಿಸುವ ಉದ್ದೇಶದಿಂದ ಕೂಡಲೇ ಇವರು ಜಸ್ಟಿಸ್ ಮಂತ್ರಿ ಮಂಡಲಕ್ಕೆ ರಾಜೀನಾಮೆ ಕೊಟ್ಟು ಕೀರ್ತಿಶಾಲಿಯಾಗಲಿ ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಪ್ರಜಾಪ್ರಭುತ್ವದ ಮುಖ್ಯೋದ್ದೇಶವನ್ನು ಚೆನ್ನಾಗಿ ಅರಿತಿರುವ ಇವರು ಏತಕ್ಕೋಸ್ಕರ ಈ ರೀತಿ ಮಾಡಿದರೋ ನನಗೆ ತಿಳಿಯುಲಿಲ್ಲ. ಇಷ್ಟು ಧೈರ್ಯದಿಂದ ಯಾರೂ ಇಂತಹ ಸಂಪ್ರದಾಯವನ್ನು 1947ನೇ ಇಸವಿಯಿಂದ ಮಾಡಲಿಲ್ಲ ಅಂಥಾದ್ದನ್ನು ಇವರು ಮಾಡುತ್ತಿದ್ದಾರೆ. ಇದು ಪ್ರಜಾಪ್ರಭುತ್ವದ ತತ್ವಕ್ಕೆ ವಿರೋಧವಾದುದಾಗಿದೆ. ಆದ್ದರಿಂದ ನಾನು ಶ್ರೀಮಾನ್ ಬಾಳಿಗಾ ಅವರನ್ನು ಅಧ್ಯಕ್ಷರ ಮೂಲಕ ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ಒಟ್ಟಿನಲ್ಲಿ ಕಾನೂನು ಮಂತ್ರಿಗಳಾದ ತಾವು ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ಕೀರ್ತಿಯನ್ನು ತನ್ನಿ ಎಂದು ಹೇಳಿ ಈಗ ತಂದಿರತಕ್ಕ ಈ ತಿದ್ದುಪಡಿಗಳನ್ನು ಕೊಡಲೇ ವಾಪಸ್ಸು ತೆಗೆದು ಕೊಳ್ಳುವ ಪ್ರಯತ್ನ ನಿಮ್ಮ ಮನಸ್ಸಿನಲ್ಲಿ ನಾಟಲಿ ಎಂದು ಹೇಳುತ್ತೇನೆ. ಮತ್ತೆ ಇಂತಹ ಮನೂದೆಯನ್ನೇ ಈ ಸಭೆಯಲ್ಲ ಮಂಡಿಸಿದ ಹಾಗೆ ಸರ್ಕಾರದವರು ಯೋಚಿಸಿ ಈಗ ತಂದಿರತಕ್ಕ ತಿದ್ದುಪಡಿಗಳನ್ನು ಕಾನೂನು ಮಂತ್ರಿಗಳಾದ ಶ್ರೀಮಾನ್ ಬಾಳಿಗಾ ಅವರು ಖಂಡಿತವಾಗಿ ವಾಪಸ್ಸು ತೆಗೆದು ಕೊಳ್ಳಬೇಕೆಂದು ಮತ್ತೊಂದು ಸಾರಿ ಹೇಳಿ ನನ್ನ ಮೂತನ್ನು ಮುಗಿಸುತ್ತೆನೆ.

† Sri G. VENKATAI GOWDA (Palyam).—The Speaker has rightly pointed out that there is a constitutional provision that in the event of an amendment being accepted by the other House, it will have to be sent to this House for concurrence. My friends here have not really objected to the amendment coming back to us because it is constitutioual provided for, but our objection is to the manner and m thods adopted and the curious course of this bill in both the houses. But as my friend Mr. Narasimhan pointed out if only the Minister had been active and more imaginative in this House when Mr. Suryanarayana Rao's amendment came before us and if he had attempted to convince the mover of the amendment to withdraw his amendment, this tragedy would not be before us here now. The house might recall that some of us vehemently opposed the amendment then but the Minister for Law perferred to remain indifferent. I do concede that on this question as to whether writ jurisdiction should be left one or two judges, there might be room for differences of opinion but the Government should have taken a clear-cut stand. There are bills which have originated in the Council and which came before us and this House never passed amendments to them. Now a precent has been created which creates unpleasantness however constitutional it might be. An impression may be created that the Council is a respository of wisdom and that we have erred, which is not a fact. It was the Government's attitude that has landed us in this pique situation.

So far as the amendment is concerned, we are agreeable to it and welcome it. Mr. Narasimhan pointe d out that Clause 4 provides for appeal for the disposal of the writ petition form a single judge to a bench

of judges. Section 4 relates only to a sentence or decree passed by a single judge in the exercise of original jurisdiction of the High Court under this Act and not under the common law.

This is confined only to the exercise of original jurisdiction. I submit that this writ jurisdiction is extraordinary jurisdiction of the High Court,an inherent power created under Articles 226, 227 and 228 of the Constitution, an inherent power to be exercised by the High Court. Therefore, to say that Section 4 provides for an appeal from a single Judge in the course of a writ petition cannot hold water for the reason that no appeal can lie. It is not in exercise of the original jurisdiction ; but it is a writ jurisdiction. There is no provision for an appeal against that disposal to a bench of Judges. Two Judges must be allowed to hear the writ petitions and if the parties are still aggrieved, there is scope to go to the Supreme Court. But allowing a single Judge to hear an extraordinary writ petition and making no provision for appeal against that disposal, would it secure justice to the people who go to the High Court by way of writ. Is it not desirable to have two Judges to come to a conclusion in that matter because writ petitions pertain to constitutional points and points of law. It would be dangerous to allow a single Judge to hear writ petitions especially when there is no provision made for appeal against that decision. Mr. Narasimhan observed that it would minimise the delay in allowing a single Judge to hear writ petitions. I fail to understand how that could be minimised. I therefore, submit that the question of minimising the delay should not come in the way of securing justice and therefore, the amendment ought to have been rejected by the House when it was moved by Mr. Suryanarayana Rao.

† Sri B. VAIKUNTA BALIGA.—I am indeed very grateful to all the members who have participated and be it now remembered that persons who have participated in the debate are all members from the opposition and I am glad that they have made so very good observations for the guidance of the House for the future particularly as I can see that every one of them had ultimately to go back and say 'I Support the amendment.' It was only my friend Mr. Narasimhan who said that he opposes it. I am making this observation with a certain amount of responsibility and emphasis behind it. Because once it is seen that the view which they supported found favour and had come back to them, the only thing would have been to smile at it and not enter into the domains which the debate does not fit at all for the day. It was said that it should not have come back. There is no option but to come back here once it is seen that the Bill as passed by the House here has not been concurred in its entirety by the Council but certain amendments have been made. The law requires, the procedure requires and jurisprudence requires that it must come back for further consideration. It was said that an opportunity should have arisen for such a situation at all is a tragedy ond a blemish on the prestige of this House. Very many good ideas have been brought into wrong places.

(Sri B. VAIKUNTA BALIGA)

I am saying with reason that it is nothing new. The Mysore Assembly is not the only one functioning on the best of principles. Democracy not only prevails here but elsewhere. It is well known that a Bill passed by theHouse of Commons has gone to the House of Lords and come back.

Sri J. B. MALLARADHYA.—But not exactly in identical circumstances.

Sri B. VAIKUNTA BALIGA.—It is perfectly proper for any vexed question to be debated upon in entirety in one House, to go to the other House and come back with amendment for further consideration. I am aware of cases where it has been modified and sent back and reconsidered. The procedure provides for its going back one way or the other. I say it is a democratic principle because it should be the combined wisdom resultant by the deliberations of both the Houses that should govern the country and to cite that as an example against democracy is just trampling upon democracy, it is nothing but a travesty of truth.

11-30 A. M.

But is there any instance any precedent where it is on account of differece of procedure and not a policy matter, whether a writ petition should be heard by one or two judges ? Is this a matter of policy ? This is one of many things that have been provided in this bill. Is there anything that merits the idea that is mooted that the party should resign on a matter like this on which there is divergence of opinion between the Ministers of Law of all the States and between one judge of the High Court and the other and between Jurists? Sir, it is easy to say it. It is all right for the opposition to say it because they have no better advise to tender. The question of an individual Minister lacking the confidence of the Party, I feel, is a perversity of truth. They say, I am an old man and a wise man but still I have done this. If they thought that my wisdom is right, they should have accepted it and said that I have done the right thing. Well, Sir, let us not take more time on immaterial matters. Sir, I am perfectly ascertaining and saying that the question of individual Minister does not arise in this question. If I may remind the House, what I said on the last occasion was, I present Mr. Narasimhan to Mr. Mallaradhya and Mr. Mallaradhya to Mr. Narasimhan; let them settle this core between themselves. When I say 'I', what is that 'I' ? Is it the individual ? I am bound by the opinion of the House. I am not here to give my personal view. The very basis of democracy is a collective decision. and I am bound by that. If that was the collective decision of the Council, then my elementary duty is to come here and present it to you. I have done my duty.

Sri J. B. MALLARADHYA.—Sir, he is hardly meeting the point raised be me. I said, here is a Whip of the Party making an amendment which was not accepted by the Minister but the House accepted. The point

is, this unusual situation has been created. But he is talking about something which was not raised here at all.

Sri C. J. MUCKANNAPPA.—This is how the Party is functioning in a democracy ?

Sri B. VAIKUNTA BALIGA.—Sir, if this is the kind of interruption that are going to come, I am not going to yield hereafter. If a whip moves, he did not move it in his capacity as a whip and it is not a matter on which the Party decision should prevail or not. Let our friends remain away from us and not come nearer us to advise us on the Party matters. Sir, it was said that fundamental issues are raised in this. I do not know what it is except using a big word. It is a matter relating to procedure on which opinions are divided and honest opinions prevail. I do not think, on a procedural matter like this, any fundamental issue. A Bill passed by this House and not concurred in its entirity by the Council to come back is not at all opposed to democracy. It is a very simple question. Mr. Narasimhan referred to early disposal. It has been dealt with and it is not going to add to the efficiency and the grandeur to the matter. Some referred to the constitution of the Benches and all that. These are all complicated matters which will lead you to questions other than the one that is now debated. The only point is whether this Hon'ble House should accept the amendment made by the other House. That is the only motion that is before the House.

Sri G. VENKATAI GOWDA.—All the suggestions are for future guidance.

Sri B. VAIKUNTA BALIGA.—I am glad that they are for the future guidance and not for election purposes.

Mr. SPEAKER.—The question is :

"That the following amendments made by the Legislative Council be taken into consideration."

Clause 9

"1. Item (x) shall be deleted and items (xi) and (xii) shall be renumbered suitably"

Clause 10

"2. After item (iii), the following item shall be added :—

(iv) Exercise of powers under clause (1) of Article 226, Article 227 and Article 228 of the Constitution of India"

"Item (iv) shall be renumbered as item (v)."

The motion was adopted

Motion to agree to the amendment

Sri B. VAIKUNTA BALIGA.—Sir, I move :

"That the amendments made by the Legislative Council be agreed to."

Mr. SPEAKER.—The question is :

"That the amendments made by the Legislative Council be agreed to."

The motion was adopted.

THE MYSORE PROHIBITION BILL.

Motion to consider.

The amendment made by the Legislative Council.

Sri VEERENDRA PATIL (Minister for Prohibition and Excise).—Sir I beg to move:—

"That the amendments made by the Legislative Council to the Bill as passed by the Legislative Assembly be taken into consideration".

Mr. SPEAKER.—Motion moved:

"That the amendments made by the Legislative Council to the Bill as passed by the Legislative Assembly be taken into consideration"

†Sri VEERENDRA PATIL.—The amendments are as follows:

1. "In second proviso, of Clause 16, for the words 'possession or use of any such article', the words 'possession or use of any liquor or alchohol for the manufacture of any such article', shall be substituted."

2. "In Clause 18, in the heading of the clause after the word 'intoxicants' the words 'or licensing manufacture of intoxicants' shall be added."

After item (*e*) the following item shall be added:—

"(*f*) Licence on such conditions as the State Government deems fit to impose the manufacture of liquor or any intoxicating drug by any person"

In Clause 44, the words 'in addition to or in variation or substitution of any of the conditions provided by this Act, shall be deleted.

In Clause 87, sub-clause (3) shall be deleted.

In Clause 125, for the words and figure 'every notification issued under Section 130, the words and figures 'every notification issued under Section 17 or Section 130 "shall be substituted.

In Clause 129, after the proviso to sub-clause (1) the followig proviso, shall be added namely:

"Provided further, but subject to the preceeding proviso, any permit, pass, licence or authorisation made or issued under any of the repealed enactment shall, so far as it is not inconsistent with the provisons of the Act, be deemed to have made or issued under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until